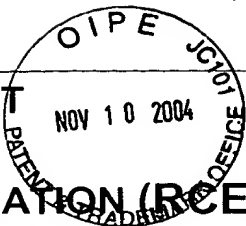


11-12-04

JTW RCE/1615



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/856,324
Filing Date	August 23, 2001
First Named Inventor	Underhill et al.
Group Art Unit	1615
Examiner Name	C.A. Apuru
Attorney Docket Number	3477-92

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCE's (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Request for Reconsideration

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS), Form PTO-1449, and 2 references

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 790.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

d. ☒ If necessary, the Director is hereby authorized to charge any deficiencies, or credit any overpayments, to Deposit Account No. 50-0220

Myers Bigel Sibley & Sajovec, P.A., P. O. Box 37428, Raleigh, North Carolina 27627,
Telephone: (919) 854-1400, Facsimile: (919) 854-1401, Customer No. 20792

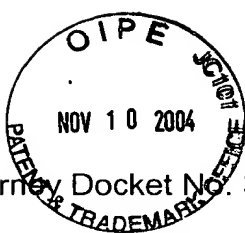
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Karen A. Magri	Registration No. (Attorney/Agent)	41,965
Signature		Date	November 10, 2004

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV473663899US Date of Deposit: November 10, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Sarah Brunmeier	Date	November 10, 2004
Signature		Date	November 10, 2004



Attorney Docket No. 3477-92

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Underhill et al.

Confirmation No.: 6862

Serial No.: 09/856,324

Group Art Unit: 1614

Filed: August 23, 2001

Examiner: C.A. Apuru

For: COMPOSITION AND USE OF RAR ANTAGONISTS FOR PROMOTING
CHONDROGENESIS

Date: November 10, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**Request for Continued Examination under 37 CFR § 1.114
and Preliminary Amendment**

A Notice of Allowance was issued on August 11, 2004 in connection with the above-referenced application. A Request for Continued Examination is being filed concurrently to continue the prosecution of this application. It is respectfully requested that this application be considered in view of the following amendments and remarks.